



CANNON BUILDING
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STATE OF DELAWARE
BOARD OF FUNERAL SERVICES

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PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, February 25, 2014, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	March 25, 2014

MEETING MINUTES

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Duwayne Casini, Professional Member
S. Keith Parsell, Professional Member
Bill Torbert, Professional Member
Danna Levy, Public Member

MEMBERS ABSENT

Marceline Knox, Public Member
Mary Byrd, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Kevin Maloney, Deputy Attorney General
Bob Powers, Board Liaison

OTHERS PRESENT

None

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:01 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the November 25, 2013 meeting. Mr. Maloney suggested a minor correction be made to page 2 of the minutes. Mr. Parsell made a motion, seconded by Mr. Casini, to approve the minutes as corrected. The motion carried unanimously.

ELECTION OF OFFICERS

President

Mr. Casini made a motion, seconded by Mr. Parsell, to nominate Mr. Chandler as President. There being no other nominations, the Board voted in Mr. Chandler unanimously to a second term as Board President.

Secretary

Mr. Chandler made a motion, seconded by Mr. Casini, to nominate Mr. Parsell as Secretary. There being no other nominations, The Board voted in Mr. Parsell unanimously as Board Secretary.

UNFINISHED BUSINESS

Bennie Smith – Compliance Issue

Mr. Smith did not attend the meeting; therefore, this issue was tabled until the next meeting.

NEW BUSINESS

RATIFICATION OF LICENSURE

Phillip E Johnson, Funeral Director

Albert G DeMoss, Jr, Funeral Resident Intern

Taneesha Louise Smith, Funeral Resident Intern

Mr. Torbert made a motion, seconded by Ms. Levy, to ratify the above listed licenses. The motion carried unanimously.

REVIEW OF RESIDENT INTERN REPORTS

Sara E. Chandler

Mr. Parsell reviewed the report and made a motion, seconded by Mr. Casini, to approve as presented. By majority vote, the motion carried, with Mr. Chandler recused.

REVIEW OF APPLICATIONS FOR LICENSURE

None

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

PCCFA Cemetery and Funeral Conference

Understanding Culturally Diverse Grief Expression, December 03, 2013, Requesting 3 CEUs

Permanent Memorializing: What We Need to Share with Cremation Families, December 03, 2013, Requesting 1 CEU

Aspire: Historical Models and Exemplary Leadership, December 03, 2013, Requesting 1 CEU

Serving Contemporary Consumers, December 03, 2013, Requesting 2 CEUs

Creating Funeral Packages That Work, December 04, 2013, Requesting 1 CEU

Acting on Cremation Challenges Together, December 04, 2013, Requesting 2 CEUS

Mr. Casini reviewed the applications for continuing education and Mr. Parsell made a motion, seconded by Mr. Casini, to approve them as submitted. The motion carried unanimously.

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Forwarded to Attorney General

#27-03-13

Mr. Chandler stated that Complaint #27-03-13 has been forwarded to the Attorney General's office.

HEARING OFFICER RECOMMENDATIONS

Deborah Harris-Nock

The Board reviewed the Hearing Officer Recommendation for Ms. Deborah Harris-Nock. The Board agreed with items 1, 2A, and 2B, but Mr. Chandler stated that he felt the proposed fine in item 2C was too low. Mr. Torbert made a motion, seconded by Ms. Levy, to modify the recommendation to raise the monetary fine from \$500 to \$1500. The motion carried unanimously.

CONSENT AGREEMENTS

None

CORRESPONDENCE

None

JOINT SUNSET REVIEW PROCESS

Delaware State Funeral Director Association – Clarification of adjustments to the Funeral Procession Law and how they need to be addressed in the Sunset Review

Mr. Parsell said this issue was brought up at the last State Association meeting. He briefed the Board on the issue and said a representative will attend the Sunset Review meeting on March 5, 2014 to discuss it. The hope is to make some adjustments to the current Procession law. Mr. Parsell said there was a paragraph left off the initial legislation that exempted Funeral Directors and their Funeral firms from being held liable should an accident occur during a procession. The basis for the change is that Florida and Maryland have this law currently.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Elimination of the embalming room requirement for firms with multiple locations

Mr. Parsell briefed the board that years ago, there were few firms with multiple locations so the requirement of every establishment having to have an embalming room made sense. Currently however, there are many firms with multiple locations and the requirement of each of them having to have an embalming room has become onerous. Mr. Parsell stated that he would like to eliminate the requirement that firms with multiple locations need to have an embalming room at each location. Mr. Maloney stated that the statutory definition of a funeral establishment requires that each establishment has an embalming room so it would require a statutory change. Mr. Parsell asked if this change would be part of Sunset Review. Mr. Maloney stated that it would be brought to the Joint Sunset Review. Mr. Maloney said he will draft the change.

Validity of Burial Permits being issued, and transfer of decedents out of state prior to the attending Doctor signing the Death Certificates

Mr. Parsell raised a concern that the new electronic death certificate system allows for the movement of a body based upon the pronouncing physician or nurse pronouncing death. He said he has run into issues where a doctor will not sign an electronic death certificate because they had not seen a patient in years. He said the Medical Examiner would then be called and they may say they would like to see the body; however, the body is out-of-state and cannot be moved until the certificate is signed by a certifying doctor. Mr. Parsell gave a few examples of how the signing of death certificates has been an issue, and said removing the temporary burial permit would fix this issue. After Board discussion, Mr. Maloney said he would draft a statutory change.

Discussion of the 24-hour rule regarding embalming as written

Mr. Torbert and Mr. Parsell said they believe this section of code is not currently in the statute. Mr. Maloney said he reviewed the history of the statutory code for Funeral Services and could not find anything regarding a 24-hour rule for embalming. He said he would do more research.

Discussion of how decedents shall be held without embalming and how it relates to third party agents (i.e. offsite cremations, cemeteries)

Mr. Parsell said there is a concern that there are no regulations stating how crematories should properly hold decedents. He is concerned that in the event there are more decedents than refrigeration units that the additional decedent would not be housed properly. Mr. Torbert suggested that the Board put it upon the funeral home to ensure that decedents are not moved until the crematory is ready to accept them.

Consideration of how the FTC rule should affect cemeteries in the state with regard to trusting

Mr. Parsell explained how Funeral Homes in the state of Delaware must place funds that are paid in advance into a trust with a banking institution or through insurance funding. Cemeteries are not under the same regulation; a customer can pay for everything and then the cemetery goes bankrupt, and the money is gone.

This creates an unfair playing field as cemeteries can instantly spend the money instead of having to hold it. Mr. Parsell asked if the Board should make a statutory change to force the cemeteries to hold the funds as funeral homes do. Mr. Maloney stated that he would research this and have more information at the next meeting.

Legality of third parties conducting funeral services without a licensed director present on site

Mr. Parsell stated that third parties, such as churches, are contacting funeral homes to have cremations scheduled and then holding their own memorial services and other events without being under the supervision of a Funeral Service Director. He asked the Board if this would fall under unlicensed practice. Mr. Torbert stated that a cremated body is no longer considered human remains; therefore you do not need to be licensed to handle the ashes. Mr. Maloney reviewed the statute and agreed with Mr. Torbert.

Meeting Schedule

Mr. Powers said the yearly schedule for the Board of Funeral Services did not match what was stated on the website and asked if the Board would like the website to be changed to the current schedule. After Board discussion, it was determined the website would be changed to reflect the current approved schedule.

PUBLIC COMMENT

None

NEXT MEETING

The next Board meeting will be held on Tuesday, March 25, 2014, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Mr. Torbert made a motion, seconded by Mr. Casini, to adjourn the meeting at 12:19 p.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Robert Powers
Board Liaison

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.